CLECs was 4.27 days, the Percentage Missed Appointments (PR-4-04, PR-4-05) was 1.29% and Percentage Installation Troubles within 30 days (PR-6-01) was 0.38%. The corresponding results for service provided to VADI were 3.71 days for Average Completed Interval, 0.49% for Percentage Missed Appointments, and 0.30% for Percentage Installation Troubles within 30 days.[448]

VZ-RI stated that VZ-MA's C2C Performance Reports for June through August 2001 also showed that VZ-MA provides line sharing on a non-discriminatory basis. The Average Completion Interval (PR-2-01, PR-2-02) for CLECs was 3.02 days, the Percentage Missed Appointments (PR-4-04, PR-4-05) was 0.41% and Percentage Installation Troubles within 30 days (PR-6-01) was 0.20%. The corresponding results for service provided to VADI were 3.00 days for Average Completed Interval, 0.64% for Percentage Missed Appointments, and 0.81% for Percentage Installation Troubles within 30 days.[449]

VZ-RI indicated that maintenance results for Massachusetts were similarly satisfactory. During March through May 2001, the CLEC network trouble report rate (MR-2-02, MR-2-03) was 0.25% versus 0.13% for VADI, the mean time to repair (MR-4-02, MR-4-03) was 11.25 hours for CLECs, versus 21.12 hours for VADI, and the repeated report rate (MR-5-01) was 53.33% for CLECs and 50.90% for VADI. During June through August 2001, the CLEC network trouble report rate (MR-2-02, MR-2-03) was 0.09% versus 0.12% for VADI, the mean time to repair (MR-4-02, MR-4-03) was

[448] Verizon's Post-Hearing Brief, p. 60-61.
[449] Id. at 61.

12.19 hours for CLECs, versus 23.10 hours for VADI, and the repeated report rate (MR-5-01) was 8.09% for CLECs and 20.27% for VADI.[450]

VZ-RI asserted that all these metrics generally meet the objective of "parity with VADI." To the extent that some of these metrics demonstrate slight disparities in performance, VZ-RI contended, no indications exist that CLECs are being hindered in their ability to compete with VADI for line sharing customers in Massachusetts. Moreover, KPMG measured VZ-MA's ability to adhere to tasks defined in its methods and procedures documentation. Specifically, KPMG evaluated ADSL line sharing installations to validate that VZ-MA technicians performed all of the required tasks defined in the documentation. During 78 installations, KPMG observed VZ-MA technicians execute 615 of 624 (99%) tasks as defined in the methods and procedures documentation, which far exceeded the adherence standard of 85%.[451]

In addition to relying on its proven experience in Massachusetts, VZ-RI indicated that it requested, and by mid-February began receiving, forecasts from Rhode Island CLECs of their anticipated demand for line sharing. These forecasts provided basis for VZ-RI to determine appropriate staffing levels to ensure VZ-RI's ability to handle the anticipated demand for line sharing in Rhode Island.[452]

Verizon's National Market Center ("NMC") has established two xDSL/Line Sharing centers – one in Boston, Massachusetts and another in Chesapeake, Virginia – that are exclusively devoted to provisioning orders for line sharing and unbundled xDSL loops. According to VZ-RI the Boston xDSL/Line Sharing Center is responsible for processing all of the orders in Massachusetts, Rhode Island, New Hampshire, Vermont,

[450] Id. at 61-2.
[451] Id. at 62 (citations omitted).

Maine, Connecticut and New York, and is capable of handling the anticipated volume of orders.[453]

Finally, according to VZ-RI, line sharing is also available to CLECs that seek to serve customers whose lines are partially fiber and are served by DLC systems. Loops equipped with DLC are fiber between the central office and the remote terminal, and copper from the remote terminal to the customer's premises. In order to provide DSL service, a copper-based technology, in a line sharing arrangement to customers served by DLC, the CLEC must obtain access to the copper distribution subloop portion (i.e., the final leg) of the loop.[454]

F. Line Splitting

VZ-RI asserted that it is permitting CLECs to engage in line splitting in a manner consistent with the FCC's Orders.[455] VZ-RI noted that the FCC found that VZ-MA makes it possible for CLECs to engage in line splitting in Massachusetts.[456] According to VZ-RI, CLECs in Rhode Island can offer voice and data over a single loop in a line splitting arrangement in the same manner that is available to CLECs in Massachusetts. CLECs seeking to offer voice and data over a single loop may do so by purchasing an unbundled xDSL-capable loop and unbundled switching combined with transport terminated to an appropriate collocation arrangement and connected to a CLEC-provided splitter and DSLAM equipment. With this line splitting arrangement, a CLEC can

---

[452] Id.
[453] Id.; See Verizon RI 271 Filing – OSS Declaration, ¶ 77.
[454] Verizon's Post-Hearing Brief, p. 62. VZ-RI stated that CLECs seeking to serve customers with DLC on their lines have three provisioning options available to them. Id. (citations omitted).
[455] Verizon RI 271 Filing – Checklist Declaration, ¶ 191; See Deployment of Wireline Services Offering Advanced Telecommunications Capabilities and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98 (rel. Jan. 19, 2001) (**"Line Sharing Reconsideration Order"**).

provide both the voice and data service itself or it can partner with another CLEC. The unbundled network elements that comprise this line splitting arrangement are currently available from VZ-RI.[457]

VZ-RI explained that in order to comply with the FCC's mandate in its Line Sharing Reconsideration Order, ILECs have an obligation to permit CLECs "to offer both voice and data service over a single unbundled loop" in a line splitting configuration, and ILECs must make necessary network modifications including access to OSS necessary for the "pre-ordering, ordering, provisioning, maintenance and repair, and billing for loops used in line splitting arrangements." VZ-RI participated in the New York DSL Collaborative regarding implementation of line splitting arrangements.[458] VZ-RI indicated that in October, 2001, Verizon implemented new OSS capabilities throughout

---

[456] Verizon RI 271 Filing – Checklist Declaration, ¶ 191; See Massachusetts Order, ¶176.

[457] Verizon RI 271 Filing – Checklist Declaration, ¶ 191. Using these existing unbundled network element offerings, CLECs have several options available to them to provide integrated voice and data services in a line splitting arrangement. None of these options is specific to line splitting, and all of them are available today through VZ-RI's existing offerings. First, if a CLEC wants to engage in line splitting to serve a customer that does not have a pre-existing voice or data account with any carrier, the CLEC can order a new unbundled DSL-capable loop and a new unbundled local switching port, combined with transport, terminated to an appropriate collocation arrangement.

Second, if CLECs want to engage in line splitting to serve an end user that already has voice service, the CLECs can again order a new unbundled xDSL-capable loop and unbundled switching element, and configure those elements in a line splitting arrangement as described above. Third, if a CLEC serving an end user through the UNE platform wants to engage in line splitting, the CLEC can enter into a line splitting arrangement that re-uses the unbundled loop and switch port elements that were a part of the pre-existing platform arrangement. To do so, the CLEC must initiate a LSR for a conversion from a loop, assuming it is xDSL capable, and port combination to an individual loop and port. On this LSR, the CLEC completes the service-specific forms for unbundled loop and switching facilities. Upon receipt of such an LSR, VZ-RI issues the necessary internal service orders to perform the following activities in the following order: 1) disconnect the existing UNE-P service; 2) connect the port to the appropriate collocation arrangement; and 3) connect the loop to the appropriate collocation arrangement. The "rearrangement" to move the loop and the port to the appropriate collocation arrangement is an entirely manual process, which will not result in a seamless migration and may cause some minimal service disruption.

VZ-RI can coordinate the activities in the third scenario to enable a UNE-P CLEC to re-use the unbundled loop, assuming it is xDSL capable, and unbundled switching in a line splitting arrangement today. In addition, VZ-RI is developing line splitting-specific OSS capabilities that will further facilitate migrations from a UNE-P arrangement to a line splitting arrangement based on the business processes defined in the New York DSL Collaborative.

[458] Verizon's Post-Hearing Brief, p. 63; See Line Sharing Reconsideration Order, ¶¶ 18-20.

the former Bell Atlantic footprint in order to support CLEC provisioning of line splitting consistent with the business processes defined in the New York DSL Collaborative.[459]

VZ-RI asserted that it is capable of handling commercial volumes of line splitting, noting that the FCC has already concluded that Verizon can handle UNE combinations, and that line splitting can be achieved today through the combination of UNEs.[460]

G. High Capacity Loops

VZ-RI maintained that it offers access to unbundled high capacity loops, including DS-1s, DS-3s and other specially designed digital loops, in the same manner as in Massachusetts. These complex loops are available in Rhode Island under interconnection agreements and the PUC RI No. 18 Tariff, Part B, Section 5.3. However, VZ-RI indicated that it received relatively few orders for unbundled high capacity loops in Rhode Island through the end of July 2001. According to VZ-RI, high capacity loops account for only a small fraction (1.05%) of all unbundled loops provided to competitors in Rhode Island.[461]

VZ-RI indicated that its ordering results for high capacity facilities was mixed during March, April and May 2001. VZ-RI's results for returning order confirmation notices within 72 hours of receiving an ASR for DS1 facilities that required a facilities check [OR-1-06 -- % On Time ASR Facility Check] was 68.48% versus the standard of 95%. VZ-RI's results in May 2001 improved to almost 90% and, in June 2001, exceeded 95% for designed circuits that require a facility check. However, these performance results then declined in August and September 2001. VZ-RI asserted that these results

[459] Verizon's Post-Hearing Brief, p. 64.
[460] Id.; See Massachusetts Order, ¶¶ 117-120, New York Order, ¶¶ 231-232.
[461] Verizon RI 271 Filing - Checklist Declaration, ¶¶ 201-02. DS-1 loops accounted for 268 out of 25,504 unbundled loops through the end of July, 2001. Tr. 10/10/01, pp. 75-76.

were very good given that VZ-RI's experience in provisioning unbundled special services (and similarly designed retail and wholesale special circuits) indicates that the current 72 hour standard for returning an order confirmation is insufficient to complete a comprehensive facility check and issue an order confirmation. In contrast, VZ-RI's ordering results for issuing reject notices to CLECs during the same three month period was 98.00% versus the standard of 95% within 72 hours [OR-2-06 -- % On Time ASR Reject Facility Check].[462]

VZ-RI also asserted that the Average Completion Interval – DS-1 (PR-2-07) for UNE DS1 loops shows solid improvement, averaging 18.36 days in March through May 2001, while its retail equivalent averaged 25.96 days. June through August 2001, revealed continuing parity performance with completion times averaging 25.07 days for wholesale versus 26 days for retail.[463] Similarly, Missed Appointments - DS-1 (PR-4-01) averaged 3.85% over the three-month period from March through May 2001, while retail averaged 59.21%. Again, VZ-RI reported continuing parity performance in June through August 2001 with 0% missed appointments for CLECs versus 32.39% for retail. VZ-RI asserted that these results are indicative of VZ-RI's commitment to continuously improving its performance to its wholesale customers.[464]

VZ-RI explained that Maintenance and Repair results for high capacity loops are not disaggregated from other special services such as Interoffice Facilities ("IOF"). VZ-RI asserted that overall, the results confirm that it is providing CLECs with a level of service that is generally at parity with retail. Although the UNE Mean Time to Repair

[462] Verizon RI 271 Filing – Checklist Declaration, ¶ 203; Verizon's Post-Hearing Brief, p. 65.
[463] Verizon's Post-Hearing Brief, p. 66. However, in July 2001, VZ-RI reported being out of parity, attributing the "miss" to a wholesale sample size of 7 orders.
[464] Id.

(MR-4-01) metric for CLECs (6.51 hours) was slightly higher than for retail (5.68 hours) during the March through May 2001 period, and again during the June through August 2001 period (7.16 hours for CLECs and 5.66 hours for Retail).[465]

VZ-RI stated that this difference is due to a higher proportion of reported troubles that were found in the outside plant portion of the network. For example, in both April and May 2001, approximately 75% of UNE Special Services troubles, which include high capacity loop troubles, were found in the outside plant, compared to only 60% of retail troubles that were found in the outside plant. Since it generally takes more time to repair troubles in the outside plant, a disproportionate number of these troubles will result in a longer Mean Time To Repair interval. In addition, VZ-RI opined that its performance on some high capacity loop metrics was attributable to the fact that the metrics may not have the appropriate retail compare group. However, despite these slight disparities, VZ-RI argued that no evidence exists that CLECs have not been given a meaningful opportunity to compete with VZ-RI in the high capacity loop market in Rhode Island.[466]

Furthermore, VZ-RI asserted that analysis of trouble reports where VZ-RI discovered a network problem shows that VZ-RI is providing timely repair service to CLECs. During March through May 2001, 100% of UNE troubles and 98.67% of retail troubles were cleared within 24 hours (MR-4-04). During the June through August 2001 period, 97.62% of the UNE troubles and 98.46% of the retail troubles were cleared in 24 hours. VZ-RI maintained that it also provides CLECs a higher quality of repair service, as measured by the Percentage of Repeat Trouble Reports (MR-5-01). VZ-RI's repeat trouble report data, like VZ-MA's, shows that after a repair visit, CLECs continue to

[465] Id. at 67.
[466] Id. at 66-7.

experience problems on their high capacity loops less often than do retail customers. The Repeat Report Rate for UNE specials was 14.29% compared to 21.73% for retail during the March through May 2001 period. Parity service was also achieved on this measure in the June through August 2001 period, 21.43% for UNE specials compared to 21.39% for retail.[467]

VZ-RI stated that since high capacity loops comprise only a very small percentage of the loops that VZ-RI provides to CLECs in Rhode Island, the mixed performance should not have an adverse impact on any evaluation of the service that VZ-RI provides to CLECs on the aggregate of all loops, which it believes is excellent. VZ-RI cited the FCC's Massachusetts Order, stating that the FCC drew a similar conclusion in regard to VZ-MA's high capacity loop performance when it stated that "we look to the totality of the circumstances in evaluating Verizon's performance in providing loops in accordance with the checklist requirements. Given the low volumes of orders for high capacity loops in Massachusetts, we cannot find that Verizon's performance for high capacity loops results in a finding of noncompliance for all loop types."[468]

3. CLEC Comments

Only one party, Conversent, filed comments regarding VZ-RI performance under Checklist Item 4, and its comments were limited to two areas. First, Conversent complimented VZ-RI on its hot cut performance, stating, that "Verizon has done a good job performing hot-cuts in Rhode Island. This has allowed the Company a meaningful opportunity to compete . . . ."[469]

---

[467] Id. at 67.
[468] Verizon's Post-Hearing Brief, pp. 67-8, citing Massachusetts Order, ¶ 156. As of July 2001, only 268 of the 25,504 loops in Rhode Island were high capacity loops. Tr. 10/10/01, p. 75.
[469] Conversent's Checklist Declaration ¶ 8.

Second, Conversent challenged VZ-RI's performance on UNE high capacity DS-1 and DS-3 loops. In particular, Conversent claimed that: (a) VZ-RI's policy to reject CLEC orders for high capacity loops for lack of facilities has had an adverse impact on its ability to serve end users; (b) VZ-RI sometimes provides a distant FOC date for these loops; and (c) VZ-RI's provisioning performance on these loops is not satisfactory.[470] However, at the RIPUC's hearing on this checklist item, Conversent withdrew its declaration and did not seek to have it admitted as an exhibit in full.[471]

4. RIDPUC Comments

The RIDPUC stated that VZ-RI had shown that based on the totality of the circumstances, it was provisioning unbundled local loops to CLECs in substantially the same time and manner as it provisions such unbundled local loops to itself and its affiliates.

In response to specific questions regarding VZ-RI's performance results for metric OR-1-06, the RIDPUC's witness stated that the measure did not provide VZ-RI sufficient time to comply with the ordering provisions required by the metric for high-capacity loops.[472]

The RIDPUC took the position that VZ-RI's performance levels were such that the FCC would find them to be in compliance with the requirements of Checklist Item 4. The RIDPUC recommended the RIPUC find VZ-RI to be in compliance with this checklist item.[473]

---

[470] Id. at ¶¶ 9-22.
[471] Tr. 10/10/01, pp. 6, 13-14, 76-77.
[472] Tr. 10/11/01, pp. 9-10. "With regard to that metric, I would be inclined to agree with Verizon on that point. I think the time frame, three days, is probably far too short." Id. at 10.
[473] RIDPUC's Exhibit 1, Appendix, p. 4.

5. VZ-RI's Rebuttal

Although Conversent's declaration was not made an exhibit in this case, VZ-RI did respond to issues Conversent raised.[474] VZ-RI asserted that Conversent's allegations were without merit and even if they had merit, poor performance in the provisioning of high capacity loops would not provide a basis for a finding that VZ-RI has failed to satisfy Checklist Item 4. VZ-RI again noted that as of May 2001, "[h]igh capacity loops accounted for only a small fraction (0.98%) of the unbundled loops provided to competitors in Rhode Island."[475] VZ-RI also reiterated its assertion that in Massachusetts, the FCC found that "[g]iven the low volume of orders for high capacity loops in Massachusetts, we can not find that Verizon's performance for high capacity loops results in a finding of noncompliance for all loop types."[476] Therefore, VZ-RI argued, the same should hold true for Rhode Island.

VZ-RI then addressed the remainder of Conversent's concerns. VZ-RI argued that under the Act, it is required to unbundle for its competitors only its existing network.[477] Furthermore, VZ-RI argued, it meets its unbundling obligation by providing high capacity loops where facilities are available. Indeed, VZ-RI believes that it goes beyond its unbundling obligation in certain situations where not all of the necessary

---

[474] Verizon's Post-Hearing Brief, pp. 68-73.
[475] Verizon RI 271 Filing – Checklist Declaration, ¶ 202.
[476] Verizon's Post-Hearing Brief, p. 65 (citations omitted).
[477] Id. at 68-9, arguing that The United States Court of Appeals for the Eighth Circuit has held that the requirement to unbundle applies only to the network the incumbent LEC already has, not to some superior network that it would have to build for the requesting CLEC. Iowa Utilities Board v. FCC, 120 F.3d 753, 812-13 (8th Circuit 1997), appealed on other grounds, AT&T Corp. v. Iowa Utilities Board, 119 S. Ct. 721 (1999). According to VZ-RI, the Court held that the Act does not require VZ-RI to build a new network or new facilities for CLECs. Network construction is not a UNE. Just like VZ-RI, CLECs are capable of hiring contractors to dig up streets, lay fiber, or install new network equipment.

facilities are available, but the loop can be activated without the need for additional construction or equipment installation.[478]

VZ-RI explained that where high capacity loop facilities are already in use serving a customer, it will transfer those facilities to fill a CLEC order for an unbundled high capacity loop. In these cases, VZ-RI will cross-connect the high capacity loop to the CLEC's collocation arrangement in the central office where that high capacity loop terminates. In addition, VZ-RI will fill a CLEC's order for an unbundled high capacity loop where the central office common equipment and the equipment at the end user's location necessary to create a high capacity loop can be accessed. This means that VZ-RI will install the appropriate high capacity card in the spare slots or ports of the equipment and perform cross-connection work between the common equipment and the wire or fiber facility between the central office and the customer premises.[479]

Furthermore, VZ-RI indicated that it will terminate the high capacity loop in the appropriate network interface device at the customer premises, such as a Smart Jack or a Digital Cross Connect ("DSX"). In instances where no facilities are available, VZ-RI has indicated that it contacts CLECs by telephone and explains why a facility is not available, e.g., no suitable cable is available. Where no facilities exist, "wholesale customers of Verizon, like its retail customers, may request Verizon to provide DS1 and DS3 services pursuant to the applicable state or federal tariffs."[480] During the hearings, Conversent acknowledged that it had not fully understood that it could obtain high capacity loops out of Verizon FCC Tariff No. 11 and stated that the ability to obtain these loops satisfied its

[478] Verizon's Post-Hearing Brief, p. 69.
[479] Id.
[480] Id. at 69-70.

business needs.[481] VZ-RI also argued that in the Pennsylvania Order,[482] the FCC directly addressed Verizon's "no facilities" policy and found that it did not violate the FCC's rules or warrant a finding of checklist non-compliance. Thus, even if there was some doubt about the validity of VZ-RI's "no facilities" policy, VZ-RI argued that the FCC already has concluded that this issue should not be resolved in the context of a 271-approval proceeding.[483]

VZ-RI also addressed Conversent's concerns regarding FOC dates for high capacity UNE loops "that are 30 days, 60 days, or even 90 days out and longer." VZ-RI explained that standard provisioning intervals only apply when it has facilities available. If no facilities are available, VZ-RI contends that it has the right to reject the requested order. The fact that a CLEC may be receiving FOCs with 30, 60 or 90 day intervals means that VZ-RI has determined that facilities will become available in the near future, and has provided a FOC date that comports with the estimated completion date for the construction project.

In other words, according to VZ-RI, it is not required to build new facilities for CLECs. If VZ-RI has a construction project scheduled that will make the requested facilities available shortly, then VZ-RI has been giving CLECs the benefit of that new construction by scheduling its order to match the expected date when facilities may be available, instead of rejecting the order because the facilities are not available when ordered. Thus, according to VZ-RI, these FOC dates are actually evidence that VZ-RI is

---

[481] Id. at 70; See Tr. 10/10/01, at 13-14; 38-41; 76-77.

[482] In the Matter of Application of Verizon Pennsylvania, Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks, Inc., and Verizon Select Services, Inc., for Authorization to Provide In-Region, InterLATA Services in Pennsylvania, **("Pennsylvania Order")**, CC Docket No. 01-138, FCC 01-269 (Rel. September 19, 2001).

[483] Verizon's Post-Hearing Brief, p. 70 (citations omitted).

attempting to satisfy CLEC's requests for high capacity loops, instead of rejecting orders for "no facilities," as it may do under applicable law.[484]

As VZ-RI pointed out, Conversent noted that a review of data over the period from January 2000 to June 2001 indicates that VZ-RI's "provisioning of DS-1 UNE loops has been inferior to its retail provisioning performance." However, as VZ-RI also pointed out, the FCC has stated that in reviewing a BOC's performance in a 271 proceeding, the FCC looks at a "snap shot in time" prior to the filing. In general, the FCC limits its review to the three- to five-month period preceding a 271 filing. To meet that requirement, VZ-RI presented performance data in its Checklist Declaration for the March to May 2001 period – the most recent months for which data was available prior to its 271 Filing with the RIPUC - which demonstrates that it has satisfied the relevant Checklist criteria. According to VZ-RI, the FCC has indicated that data for earlier periods are not probative of VZ-RI's current performance which is reflected by the three to five month period preceding the filing of VZ-RI's 271 Application.[485]

6. RIPUC Findings and Recommendation

We find VZ-RI to be in compliance with the requirements of Checklist Item 4. VZ-RI has demonstrated that it provides local loops unbundled from local switching or other network elements using the same processes and procedures in Rhode Island as are used in Massachusetts and New York. VZ-RI reported that as of July 2001, it had 25,504 stand-alone loops in service and approximately 3,400 loops provided as part of UNE-P. In the area of line sharing, we note that as of August 2001, VZ-RI had seven

[484] Id. at 70-1 (citations omitted).
[485] Id. at 72. According to VZ-RI, a review of its performance results for PR-4-01 from March through August 2001 indicates acceptable performance for each month. See VZ-RI's Response to Record Request 1, Attachment 5 update, p. 6.

interconnection agreements with line sharing provisions and over 4,997 line share orders were placed in Rhode Island.[486] VZ-RI has demonstrated that it uses the same methods and procedures for provisioning line sharing orders in Rhode Island as are used in Massachusetts and New York. KPMG evaluated 78 ADSL line sharing installations to validate that VZ-MA's technicians performed all of the required tasks defined in the documentation. We note that during the 78 installations, KPMG observed VZ-MA's technicians execute 99% of the tasks as defined in the methods and procedures documentation.

As for metric performance, we find that VZ-RI's provisioning, and maintenance and repair of UNE loops from March through August 2001 was generally good. We note that VZ-RI was subject to more metrics in 2001 than VZ-MA in 2000. From March to August 2001, VZ-RI met 76% to 87% of UNE Loops PAP metrics which had activity and were not under development. In comparison, however, from March to July, 2000, VZ-MA met only 57% to 86% of UNE Loops PAP metrics which had activity and were not under development or qualified for the small sample exemption.[487] VZ-RI's performance from March through August 2001 was also as good or better than VZ-MA's performance from March through July 2000.[488]

As a whole, VZ-RI's performance in UNE Loops is good and only in a few instances was VZ-RI's performance unsatisfactory or questionable for a majority of the six months under review from April through August 2001. In the area of provisioning metrics, for PR-4-02 (Average Delay Days-Total–POTS), VZ-RI's questionable

[486] All but one of these orders were placed by VADI.
[487] Compare Verizon-Rhode Island 271 Checklist Declaration, Attachment 5, p. 13 to Verizon's Response to Record Request No. 2 (VZ-MA's PAP metrics).

performance here presumably relates to small size of the sample. As for PR-6-01 (% Installation Troubles within 30-days-2 Wire Digital), we acknowledge VZ-RI's explanation that its performance for this metric may be impacted by a CLEC's failure to perform cooperative testing at turn up and the possibility that this metric does not have the appropriate retail compare group.[489]

In the area of maintenance and repairs metrics, VZ-RI had difficulty satisfying the metrics MR-2-01 (Network Trouble Report Rate-Specials) as well as MR-2-02 (Network Trouble Report Rate-Loop-2Wire Digital) and (2Wire xDSL Loops). We acknowledge VZ-RI's explanation that there is a possibility that these metrics might not have the appropriate retail compare group[490] and that VZ-RI's questionable performance in MR-5-01 (% Repeat Reports within 30 days-Loop (POTS)) could result from CLECs failing to provide VZ-RI adequate direction regarding trouble tickets. Nevertheless, we have ordered certain of the aforementioned metrics to be placed into the Critical Measures section of the Rhode Island PAP so as to encourage VZ-RI to improve its performance in these areas.[491]

Based upon the totality of the circumstances, it is clear that VZ-RI's performance in PAP metrics for UNE Loops is good and, in many cases better than VZ-MA's PAP metrics performance at the time of VZ-MA's 271 Application in 2000. We note that Conversent, a prominent CLEC in Rhode Island, withdrew its testimony in this proceeding after VZ-RI acknowledged that CLECs can order high capacity loops, such as DS-1, through the Verizon FCC Tariff 11 at a special access rate and subsequently opt to

---

[488] Compare Verizon-Rhode Island 271 Checklist Declaration, Attachment 5, p. 13 to Verizon's Response to Record Request No. 2 (VZ-MA's PAP metrics).
[489] Tr. 10/10/01, pp. 26-28.
[490] Id. at 28-29.

have these loops charged at a UNE rate.[492] We commend VZ-RI for working in a cooperative manner with CLECs such as Conversent to ensure that the local telecommunications market is open to all. We find that VZ-RI is providing CLECs with non-discriminatory access to its local loops and appropriately provisions and maintains these loops for CLECs in compliance with Checklist Item 4. Therefore, we recommend the FCC find that VZ-RI has complied with the requirements of this checklist item.

E. CHECKLIST ITEM 5 – LOCAL TRANSPORT FROM THE TRUNK SIDE OF A WIRELINE LOCAL EXCHANGE CARRIER SWITCH UNBUNDLED FROM SWITCHING OR OTHER SERVICES

1. Applicable Law

Section 271(c)(2)(B)(v) of the Act requires VZ-RI to provide "local transport from the trunk side of a wireline local exchange carrier switch unbundled from switching or other services."[493] The FCC has previously indicated that it requires BOCs to provide both dedicated and shared transport to requesting CLECs.[494] The FCC has indicated that "dedicated transport consists of BOC transmission facilities dedicated to a particular customer or carrier that provide telecommunications between wire centers owned by BOCs or requesting telecommunications carriers, or between switches owned by BOCs or requesting telecommunications carriers."[495] The FCC has also noted that "shared transport consists of transmission facilities shared by more than one carrier, including the BOC, between end office switches, between end office switches and tandem switches,

---

[491] RIPUCOrder No. 16809 (issued December 3, 2001), pp. 41-42.
[492] Tr. 10/10/01, pp. 77, 81-83.
[493] 47 U.S.C. § 271(c)(2)(B)(v).
[494] New York Order, ¶ 337 citing Second BellSouth Louisiana Order, 13 FCC Rcd at 20719.
[495] Id.

and between tandem switches, in the shared and dedicated transport in compliance with the requirements of this checklist item."[496]

2. VZ-RI's Position

VZ-RI asserted that, because it provides local transport unbundled from switching or other network elements using substantially the same processes and procedures in Rhode Island as are used in Massachusetts and New York, it is in compliance with the requirements of Checklist Item 5.[497]

A. Dedicated Transport

Dedicated interoffice facility ("IOF") transport provides the CLECs exclusive use of the interoffice facility. VZ-RI stated that it offers transmission capabilities, such as DS-1, DS-3, STS-1, and optical carrier levels OC-3 and OC-12. The physical interface for all optical transport is optical fiber. Dedicated transport is available within the same LATA between CLEC central offices and VZ-RI central offices and among VZ-RI central offices. VZ-RI explained that in the case of DS-1 or DS-3 transport, access to dedicated transport is provided from the CLEC's collocation arrangement in a VZ-RI central office through an appropriate cross-connection made on a Digital Signal Cross Connect ("DSX") bay; in the case of optical transport, it is provided on a Fiber Distribution Frame ("FDF").[498]

---

[496] Id., citing Second BellSouth Louisiana Order, 13 FCC Rcd at 20719, 20762, n. 652.

[497] Verizon RI 271 Filing – Checklist Declaration, ¶ 209. VZ-RI's interconnection agreements include specific rates, terms, and conditions that obligate VZ-RI to provide local transport unbundled from switching or other services. These agreements commit VZ-RI to provide access to both dedicated and shared transport facilities, consistent with FCC requirements. The terms and conditions of these interconnection agreements commit VZ-RI to meet the Act's Section 271 requirements for providing nondiscriminatory access to local transport. Additionally, Part B, Section 2 of RIPUC RI No. 18 Tariff further obligates VZ-RI to provide local transport to CLECs consistent with the requirements of the Act.

TELRIC-based rates, terms and conditions for VZ-RI's UNE transport and EEL combinations were approved by the RIPUC in Order No. 16808 (issued December 3, 2001).

[498] Verizon RI 271 Filing – Checklist Declaration, ¶ 212.

VZ-RI stated that the provisioning interval for unbundled DS-1 and DS-3 interoffice transport facilities is based on its experience with private line and special access service. For quantities of 1 to 8 circuits, VZ-RI has established a standard provisioning interval of 15 business days where facilities are available. Intervals for larger quantities and for optical carrier transport facilities (*e.g.*, SONET) are negotiated subject to the availability of facilities and equipment at the requested locations.[499]

VZ-RI indicated that it does not accept an order for interoffice facilities if suitable facilities are not available and there are no facility construction jobs planned to augment the existing interoffice infrastructure. However, in situations where interoffice facilities are not available, but VZ-RI has a construction job planned or underway, rather than reject an order, VZ-RI stated that its practice is to provide the CLEC a due date that includes the estimated construction interval, plus the standard provisioning interval. VZ-RI explained that because of the difficulty of accurately estimating completion times on complex construction jobs that involve very long lead times, this practice sometimes causes VZ-RI to miss a scheduled due date. However, VZ-RI noted that this practice leads to orders being filled rather than rejected, and jobs being completed at the earliest possible date.[500]

Orders for dedicated IOF can be placed on an automated basis using the industry standard ASR. As of year-end 2000, VZ-RI indicated that it was providing 335 dedicated IOF arrangements to three CLECs. VZ-RI noted that this represented a 200% increase over the number of IOF arrangements provided as of year-end 1999.[501] As of the end of July 2001, VZ-RI reported that it was providing 11 different CLECs with a total of 355

[499] Id. at ¶ 217.
[500] Id. at ¶ 218.

IOF transport arrangements.[502] VZ-RI indicated that it has the requisite processes, systems, and staff in place to continue to provision unbundled transport to CLECs in commercial volumes as additional demand develops.[503]

For the three-month period ending May 2001, VZ-RI processed eight DS3 IOF orders. VZ-RI's performance in returning order confirmation notices on these orders within 72 hours was 87.5% versus the standard of 95% returned within 72 hours. VZ-RI was late in returning an order confirmation on one order in March, but consistently met the objective in April and May.[504]

VZ-RI noted that its performance in provisioning IOF facilities over the same three-month period was better on the wholesale side than on the retail side. Specifically, the average interval (PR-2-09) for UNE IOF orders was 16 business days and 80% of the orders were completed by the due date (PR-4-01).[505] By comparison, two DS-3 circuits (the retail equivalent) were completed in an average of 56.5 business days and the due date was missed on both occasions.[506]

B. Shared Transport

VZ-RI indicated that it provides shared transport for use with unbundled local switching using existing switch routing arrangements.[507] Shared transport is provided under interconnection agreements and in PUC RI No. 18 Tariff, which allow CLECs to use VZ-RI's shared transport at usage-sensitive rates in connection with their provision of

---

[501] Id. at ¶ 219.
[502] Tr. 10/10/01, pp. 152-53.
[503] Verizon RI 271 Filing – Checklist Declaration, ¶ 219.
[504] Id. at ¶ 220. VZ-RI argued that its performance in returning order confirmations on IOF facilities was good over the March through May timeframe considering that the concerns discussed above regarding the OR-1-06 standard apply to IOF facilities as well as high capacity loop facilities. Id., ¶¶ 219-220.
[505] VZ-RI provided evidence to show that it PR-4-01 in the six months from March through August 2001 in which there was activity for this metric. VZ-RI's Response to Record Request 1, Attachment 5 update, p. 8.

telephone exchange and associated exchange access service. VZ-RI stated that the transmission and routing of calls over the shared network is exactly the same as VZ-RI's routing for its own customers' calls from the originating to the terminating central office.[508]

VZ-RI asserted that it provides shared transport to CLECs in Rhode Island in a nondiscriminatory manner. Specifically, VZ-RI indicated that CLECs can use VZ-RI's shared transport network element for carrying their customers' traffic between VZ-RI's end-office switches, and between VZ-RI's end office and tandem switches. In addition, CLECs can use VZ-RI's shared transport network element to reach other carriers' networks that are interconnected to VZ-RI's network.[509]

VZ-RI indicated that it provides shared transport in conjunction with unbundled local switching. Thus, CLECs that plan to use VZ-RI's shared transport do not need to order it separately when they order individual local switching ports. The UNE switching port is normally configured to use shared transport. Through May 2001, VZ-RI reported that it was providing shared transport in conjunction with routing traffic to and from the more than 4,000 unbundled local switching ports it has provisioned to CLECs as part of the UNE-P combination.[510]

C. Dark Fiber

VZ-RI indicated that it makes dark fiber available to CLECs pursuant to the FCC's UNE Remand Order. Dark fiber is available where in-place, spare facilities exist and is provided in pairs (two strands). The electronics to "light" dark fiber are owned

---

[506] Verizon RI 271 Filing – Checklist Declaration, ¶ 220.
[507] Shared transport is the use of multiple interoffice transmission paths over non-dedicated facilities.
[508] Verizon RI 271 Filing – Checklist Declaration, ¶ 221.
[509] Id. at ¶ 222.
[510] Id. at ¶ 223.

and provided by the CLEC. VZ-RI provides unbundled dark fiber where available for local transport in accordance with the terms and conditions of its interconnection agreements and PUC RI No. 18 Tariff. TELRIC-based rates, terms and conditions for dark fiber were approved by the RIPUC in Order No. 16808 (issued December 3, 2001). VZ-RI represented that it has established methods and procedures to provide CLECs with dark fiber consistent with the requirements prescribed by the FCC in its UNE Remand Order.[511] These methods and procedures are similar to those in effect for the provision of dark fiber by VZ-NY.[512] VZ-RI reported that it provisioned seven CLEC orders for dark fiber arrangements in 2000 pursuant to the requirements of the FCC's UNE Remand Order. In January 2001, VZ-RI completed three orders for dark fiber for one CLEC. VZ-RI stated that it met the due date for each of the three orders. There was no dark fiber installation activity between February 2001 and September 2001.[513]

D. Expanded Extended Loops

The FCC's UNE Remand Order, as modified by the Supplemental and Clarification Orders, requires ILECs to provide CLECs with access to existing EEL combinations provided the carrier uses the combination "to provide a significant amount of local exchange service, in addition to exchange access, to a particular customer."[514] On the other hand, a CLEC is restricted from converting its special access services to EEL unless it meets the same provisions. VZ-RI noted that the FCC found that Verizon was in

[511] UNE Remand Order, See Supplemental Order, see also Clarification Order.
[512] VZ-RI provided testimony during cross-examination regarding the differences between the provisioning of dark fiber in Rhode Island and in Massachusetts. These differences are addressed in RIPUC findings and in RIPUC Order 16808 (issued December 3, 2001).
[513] Verizon RI 271 Filing – Checklist Declaration, ¶ 224; Tr. 10/10/01, pp. 159-60.
[514] Id. at ¶ 226; See UNE Remand Order; Supplemental Order. An EEL is an arrangement that enables a CLEC to use combinations of unbundled loops and unbundled dedicated interoffice transport, including multiplexers, to provide a significant amount of local exchange service to an end user in compliance with the FCC's orders. The loop unbundled network element component of an EEL includes two-wire analog

compliance with the FCC's EEL requirements in Massachusetts.[515] VZ-RI further noted that as in Massachusetts, PUC RI No. 18 Tariff includes language concerning the "significant amount of local exchange service" restriction.[516]

3. CLEC Comments

Only CTC challenged VZ-RI's compliance with Checklist Item 5. CTC alleged that VZ-RI was provisioning dark fiber in a discriminatory manner. Specifically, CTC argued that VZ-RI does not "provision[ ] dark fiber unbundled network elements to CLECs in the same manner as it provides to itself and its affiliates."[517] CTC further argued that VZ-RI should be required to provide dark fiber in the same manner as Verizon does in Massachusetts and New Hampshire with regard to splicing, routing and repair.[518] Specifically, CTC argued that VZ-RI should be required to splice dark fiber at any technically feasible point so as to allow dark fiber to be provisioned through intermediate offices where a CLEC is not collocated.[519] CTC further argued that when a CLEC requests existing fiber, VZ-RI, not the CLEC, should be required to upgrade fiber that may have deteriorated since the time of deployment.[520]

4. RIDPUC Comments

The RIDPUC stated that VZ-RI had shown that it provisions IOF to competing carriers in substantially the same time and manner as it provisions such IOFs to itself, its

---

and digital loop offerings, four-wire analog loops, four-wire digital 56 kbps loops, and high capacity DS1 and DS3 loops. Verizon RI 271 Filing – Checklist Declaration ¶ 225.

[515] Verizon RI 271 Filing – Checklist Declaration, ¶ 226; Massachusetts Order, n. 381.

[516] Verizon RI 271 Filing – Checklist Declaration, ¶ 226.

[517] Declaration of CTC Communications Corp., ¶ 19.

[518] Declaration of CTC Communications Corp., ¶¶ 14-19; Brief of CTC Communications Corp., pp. 12-20; Tr. 10/10/01, p. 110.

[519] Tr. 10/10/01, pp. 110-119.

[520] Declaration of CTC Communications Corp., ¶ 18.

affiliates and subsidiaries.[521] The RIDPUC also indicated that CTC's complaints, when viewed in the context of the totality of the circumstances, did not warrant a finding that VZ-RI was not complying with the terms of the Act.[522] Accordingly, the RIDPUC recommended that the RIPUC find that VZ-RI had complied with the requirements of Checklist Item 5.

5. VZ-RI's Rebuttal

In response to CTC's allegations, VZ-RI argued that it was not obligated to provide dark fiber in Rhode Island in the same manner as it did in Massachusetts and New Hampshire, but rather, was only obligated to comply with the FCC's UNE Remand Order which was silent on the issue of whether an ILEC is required to splice fiber through intermediate offices where a CLEC is not collocated.[523] VZ-RI also noted that it was providing dark fiber in Rhode Island in the same manner as in New York, Connecticut and Pennsylvania – all states in which the FCC found Verizon to be in compliance with the Checklist requirements.[524] VZ-RI noted that the differences in dark fiber offerings in the various states resulted from arbitrations that occurred in Massachusetts and New Hampshire in which the state commissions ordered dark fiber provisioning requirements different from the subsequent FCC UNE Remand Order.[525] VZ-RI also argued that CTC's complaint was one better addressed through an arbitration or a complaint, rather than in the context of a Section 271 proceeding. Therefore, VZ-RI argued that because it is complying with the FCC's UNE Remand Order and there was a

[521] RIDPUC Exhibit 1, Appendix A, p. 5; Tr. 10/11/01, pp. 8-9, 15.
[522] Tr. 10/11/01, pp. 8-9, 15; RIDPUC's Reply Brief, 11/9/01, pp.3-4.
[523] Verizon Post-Hearing Brief, pp. 79-82.
[524] Id. at 79.
[525] Id.

separate docket open before the RIPUC to address CTC's issue, the RIPUC should still find VZ-RI to be in compliance with the requirements of Checklist Item 5.[526]

6. RIPUC Findings and Recommendation

The RIPUC finds VZ-RI to be in compliance with the requirements of Checklist Item 5. With regard to dedicated transport, we note that as of July 2001, VZ-RI was providing 3 CLECs with a total of 335 dedicated IOF transport arrangements, and was providing 11 CLECs with a total of 355 IOF transport arrangements. As for shared transport, we point out that as of May 2001, VZ-RI reported that it was providing shared transport in conjunction with routing traffic to and from the more than 4,000 unbundled local switching ports it has provisioned to CLECs as part of the UNE-P combination. In relation to dark fiber, VZ-RI provisioned seven CLEC orders for dark fiber arrangements in 2000 and three orders for dark fiber in January 2001.

In the area of metric performance, VZ-RI met the provisioning metric PR-4-01 (% Missed Appointment VZ Total-IOF), in every month there was activity from March through August 2001. VZ-RI's performance during this time was better than VZ-MA's performance from March through July 2000 when it only met this metric three out of the five months.[527] We find that VZ-RI has shown it is providing local transport, both dedicated and shared transport, to requesting CLECs in compliance with the Act and with the FCC's mandates.

We have considered CTC's concerns with regard to VZ-RI's dark fiber offering. We agree with the RIDPUC that CTC's allegations are isolated examples of concerns

[526] Verizon Post-Hearing Brief, pp. 81-2.
[527] Compare VZ-RI 271 Filing-Measurements Declaration, Attachment 5, page 13 to VZ-RI's Response to Record Request 2 (VZ-MA PAP metrics).

raised by a single CLEC and not indicative of non-compliance with Checklist Item 5.[528] We note that CTC has not requested dark fiber in Rhode Island. Furthermore, VZ-RI offers dark fiber in the same manner in Rhode Island as in New York; therefore we believe the FCC should find VZ-RI compliant with Checklist Item 5.

In order to address the substantive issues raised by CTC, however, we allowed CTC to intervene late, after the close of the Section 271 hearings, in RIPUC Docket No. 2681.[529] Subsequently, in Docket No. 2681, we ordered VZ-RI to adopt substantially the same procedures for its dark fiber offering as exists in Massachusetts by requiring VZ-RI to splice dark fiber at any technically feasible point so as to provision continuous dark fiber through one or more intermediate control offices without requiring the CLEC to be collocated at any of such offices.[530] Accordingly, we are confident that CTC's concerns have been adequately addressed and see no reason to find VZ-RI to be non-compliant with Checklist Item 5. We find that Verizon is providing non-discriminatory access to dark fiber and recommend that the FCC find that VZ-RI has complied with the requirements of this checklist item.

F. CHECKLIST ITEM 6 – LOCAL SWITCHING UNBUNDLED FROM TRANSPORT, LOCAL LOOP TRANSMISSION, OR OTHER SERVICES

1. Applicable Law

Section 271(c)(2)(B)(vi) of the Act requires VZ-RI to provide or offer to provide local switching unbundled from transport, local loop transmission, or other services. The FCC has indicated that unbundled local switching includes "line-side and trunk-side

[528] See Tr. 10/10/01, pp. 114-16 (noting that VZ-RI has worked with CLECs in regards to dark fiber concerns).
[529] RIPUC Order No. 16808 (issued December 3, 2001), pp. 17-19.
[530] Id., pp. 22-23.